



COPY OF PAPER  
ORIGINALLY FILED

AF 2681  
678-154 (P8378) #619 smc  
9/5/02

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants: Roe-Kwan KIM

Group Art Unit: 2681

**RECEIVED**

Serial No.: 09/132,351

Examiner: T. Davis

SEP 05 2002

Filed: August 12, 1998

Technology Center 2600

For: METHOD FOR TRANSMITTING SHORT MESSAGE TO CALLED  
SUBSCRIBERS

Assistant Commissioner for Patents  
Washington, D.C. 20231

**REPLY BRIEF TO THE SUPPLEMENTAL EXAMINER'S ANSWER**

Sir:

Appellant submits this Reply Brief to the Supplemental Examiner's Answer ("Supp. Answer") of June 19, 2002 pursuant to 37 C.F.R. 1.193(b)(1). The Supp. Answer appears to be identical to the Examiner's Answer of August 13, 2001, with the inclusion of the omitted Huotari and Alanari references now included in the listing of the prior art of record (paragraph 9).

Thus, the points raised in Appellant's original Reply Brief of October 15, 2001 (attached hereto) apply equally to the Supp. Answer. Apart from the minor additional

---

**CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231 on August 19, 2002.

Dated: August 19, 2002

Barbara Evers

point made immediately below, Appellant therefore relies on the original Reply Brief in addressing the Supp. Answer.

Appellant wishes to make one additional point regarding the Examiner's position in paragraph 7 of the Supp. Answer relating to the "Grouping Of Claims". In the Reply Brief, Appellant noted that page 4 of the Appeal Brief provided a grouping of claims. Appellant now further points out that there is no requirement under 37 C.F.R. §1.192(c)(7) that Appellant state "reasons in support" of its grouping of claims, as stated in paragraph 7 of the Supp. Answer (and the original Answer). An explanation is only required under 37 C.F.R. §1.192(c)(7) when an appellant believes that claims are separately patentable.

Appellant has provided the most fundamental grouping of claims possible, namely that Claim 1 stands alone and, for the purposes of this Appeal, Claims 2-10, 13 and 14 stand or fall together with Claim 1. Claims 3-8, 10, 13 and 14 are dependent claims and, as noted in footnote 4 of the Appeal Brief, independent Claims 2 and 9 may be distinguished from Sanders in like manner as Claim 1.<sup>1</sup> Thus to minimize the issues that the Board must consider, Appellant's Appeal Brief focuses on distinguishing independent Claim 1 from Sanders.

Although the Examiner formally takes issue with the Appellant's grouping of claims, Appellant submits that the Examiner actually agrees in substance with the Appellant's grouping of claims when the Examiner maintains that "[t]he rejections of

---

<sup>1</sup> Thus, Appellant has in substance provided a rationale for its grouping of claims.

claims 1, 2-10, 13 and 14 stand or fall together" in paragraph 7 of the Supp. Answer. Nonetheless, should the Board determine that there is a difference of position on this issue, Appellant submits that its grouping of claims is proper and requests that the Board evaluate this Appeal accordingly.

As noted above, apart from this additional point, Appellant relies on its Appeal Brief and original Reply Brief in reply to the Supplemental Examiner's Answer.

By:   
Paul J. Farrell  
Reg. No. 33,494  
Attorney For Applicant/Appellant

Dated: August 19, 2002

DILWORTH & BARRESE  
333 Earle Ovington Blvd.  
Uniondale, New York 11553  
(516) 228-8484 (tel)  
(516) 228-8516 (fax)

PJF/DET